

## Session Discussion Q&A:

### **Is the Buy America documentation (1818/Material Cert Letter and MTRs) available at the beginning of the project or only after installation?**

Availability is going to vary depending on the context. Iron and Steel Buy America documentation is available prior to installation. Material Sourcing is identified at the beginning. Paid invoices and 1818s may be collected for material-on-hand payments. Structural items require a structural test report from MTD. Cast-in-place reinforcing steel from a supplier will have a bill of lading that connects suppliers to a reinforcing steel mill, and cast-in-place reinforcing steel may not be available till the rebar is shipped. Form 2806 for construction materials may be available when a purchase order is established.

### **When do we request Buy America documentation?**

Request at the beginning to set clear expectations and when documentation may be available, as stated above. Early communication will help identify material availability issues or if foreign products will be used.

### **Auditors (external or internal) must search for several required Buy America/BABA documents saved in multiple folders or locations. Could a best practice or assembly be created for tracking documents?**

Yes, TxDOT is looking to improve our Buy America process in conjunction with AGC.

### **Is this information provided to the AGC?**

This information has not changed. TxDOT is working with AGC to streamline our Buy America processes.

### **Can a virtual training on Buy America Compliance be put together for all our inspectors?**

CST is working on this virtual training that will be available to inspectors.

### **Where is this "Project Record Checklist"?**

Located on CST Recordkeeper Development Program webpage: [Crossroads RKDP](#)  
Also found on the TxDoT.gov website under Materials and Tests Division, under Inspections and Testing: Project Records Checklist

### **When there was a non-compliant Buy American, how was it addressed?**

FHWA has recommended that the material be removed and replaced. If it cannot be removed and replaced, then TxDOT does not pay for the item at all. Contractors are allowed to be within the de minimis limit for the project. The Contractor, AO (or project personnel) need the tracking log upfront to monitor it throughout the project. If there are suspected ethics violations, the Compliance Division should be notified for investigation.

**If a subcontractor has all his crew reported as 1099 independent workers, where on the Subcontracting guidance chart would 1099 workers fall in?**

How an entity acquires workers has no bearing on the applicability of Davis Bacon and Related Acts (DBRA). The DBA requires the payment of the applicable prevailing wage rates to all laborers and mechanics “regardless of any contractual relationship which may be alleged to exist.” This means that Davis-Bacon prevailing wage requirements apply to all laborers and mechanics engaged in construction on the site of the work, whether they are considered employees or independent contractors. Laborers and mechanics receiving a 1099 must still be paid Davis-Bacon prevailing wages and must still be reported on certified payroll statements.

**Would workers moving furniture in a newly constructed building need to report payrolls?**

Only “construction” (including alterations or repair) is subject to Davis Bacon.

**If Prime has a crane rental, and the operator is provided with the crane, then do we need payrolls?**

Yes. It is the USDOL’s position that any entity “engaged in construction” is subject to Davis Bacon. Please email [CST\\_LaborCompliance@txdot.gov](mailto:CST_LaborCompliance@txdot.gov) with details about the specific situation.

**What about railroad flaggers for a project? Do they need to be included in the LCP Tracker?**

If a railroad undertakes to perform a contract normally subject to DBRA, coverage is not extended to employees of railroad common carriers if they are covered by the Railway Labor Act. However, if the railroad contracts out such construction work, laborers and mechanics employed by contractors or subcontractors are covered.

**If a trucking subleases with other truck owners and the lease owner has more than one truck driver, would the lease owner have to report payrolls?**

How an entity acquires workers has no bearing on the applicability of Davis Bacon and Related Acts (DBRA). In general, the entity that hired the workers will need to report the workers on the weekly certified payrolls for work performed on the site of work. There are reporting differences between directly employed truckers and truck drivers that own or lease their trucks. There are also some special circumstances to consider that are related to time spent on the project and material delivery.

**Is it advised to obtain payrolls for any business that performs any work or service on the project apart from just a delivery?**

It is the USDOL’s position that any entity “engaged in construction” is subject to Davis Bacon. Please email [CST\\_LaborCompliance@txdot.gov](mailto:CST_LaborCompliance@txdot.gov) with details about the specific situation.

**Note:** LCPTracker is the method of payroll delivery since we have not defined the process of obtaining payrolls nor required to obtain that information.

**What is expected of the contractor when they are awaiting a decision regarding the additional classification wage rate for LCPTracker? Do they continue to enter payrolls without the employee and, once approved, go back, and edit?**

Once the CST-C-1 form is submitted to the Construction Division, the requested classification and wage rate are entered into LCPTracker so that the contractor can submit payrolls, including the requested classification. If the Department of Labor does not conform to the submitted wage rate, the contractor may owe back wages to the employee.

**How do we know that (PSTR)received the material? Are they adding the QM in SiteManager? What is the name of the report?**

The SiteManager test report is your "proof" that Prefabricated Structural Material (PSTR) has performed an inspection and received the proper paperwork. If you do not see a test report for your materials, please contact the Materials and Testing Division, PSTR Section.

**Is that written somewhere that we must keep a copy of the MTR?**

Specifically, the Materials for PSTR "Buy America" section of the Project Records Checklist defines the Materials and Testing Division section responsible for maintaining the MTRs for each material.

**If the project starts but the soil disturbance does not occur for another three months from the start date, would Form 2448 be required within 30 days of the disturbance?**

The initial stage gate checklist (Form 2448) is required within 30 days of the start of disturbance, or the moment ground is broken, and soil is being moved. If the project starts, but no construction activities have begun yet, then the project staff would wait until disturbance starts to conduct the initial stage gate checklist (Form 2448).

**Where do we find the Pre-Bid Q&A?**

[Pre-Bid Q&A Guidance May 2024](#): The link to the Pre-Bid Q&A guidance is on the CST Support page.

**If the record keeper is assigned to prepare final plans, is there a how-to or guide for doing so?**

You may refer to the CCAM, Chapter 4, Section 4. The Construction Division is currently working on creating additional Job Aides with additional forthcoming guidance.

**How often will the job aides be updated?**

Job Aides will be reviewed annually or as needed.

**When will the next recordkeeper bootcamp be available?**

CST is currently developing the schedule for the next fiscal year. Additional information regarding the schedule will be shared soon and available for course enrollment.

**Do consultants have access to these training classes?**

The training classes are currently available to internal TxDOT employees. Current consultants working on the project may request resources through their District contact or view the internal Recordkeeper Development Program page with Crossroads access.

**Will CEI recordkeepers be allowed to attend these trainings and attend bootcamps?**

Currently, CEI personnel have access to all online posted resources and job aides.

**Will any other classes be made available to external contractors besides ENV?**

The external TxDoT.gov website provides the information and resources that are currently available to assist contractors.

**Can you take a bootcamp course that is not in your District?**

Yes, please speak to your supervisor or AO for approval and travel authorization and see the training availability schedule.

**Has CST considered having an Auditor Development Program or Construction Records Auditor Bootcamp?**

It has yet to be developed but is considered for future expansion.

**Is the Key Date "PM's Estimated % Complete" no longer required? Or is this just "recommended"? Per CCAM Chapter 10 Section 6?**

It is no longer a requirement per [SiteManager Checklist Events, Key Dates, and Critical Dates](#). The annual CCAM update is currently in revision and will reflect the changes to align with the new checklist guidance document once published.

**What was the reason for beginning with time start instead of work start?**

The project administrative responsibilities of the contract begin prior to the date of physical work or onsite work for the contract.

**For audit, would we state on the document if it is in "Time Suspension" on those items?**

Yes, you need to note in the comments section any time the project was in Time Suspension.

**Will we get an annual SBE Report Form?**

Civil Rights Division manages Small Business Enterprise; their forms are listed on the e-forms site under CIV.

**Are the Buy America or Form 2806 not being requested on the audit template?**

While the additional resource link is currently missing, it is still important to consider and to provide the user with the best tools we will look into adding this to the new audit template.

**Where can we get the link for the new audit template?** Located on Crossroads>Construction Div>Training and Development>Recordkeeper Development Web Page, Under Manuals and Processes: [Crossroads RKDP](#).

**Note:** We recommend always accessing the latest version of audit template directly from the webpage link. This ensures you benefit from any updates, improvements, or revised links that may be incorporated over time.

**Will DCO or AO Recordkeeper conduct these audits?**

The DCO is responsible for audits. The recordkeeper will not conduct their own audit. We recommend that the recordkeeper perform self-assessments and be familiar with them prior to the actual audit.

**If you have a new project that has yet to start working or meet the 30%, should you do the new audit?**

No, this is applicable for contracts that will be let after 1 September 2024 and, therefore, will not start until after this date.

**Is the AO responsible for the 30/60/90%?**

Yes, continue using this timeline for all open projects through closeout. All new projects that begin after September 2024 Letting will utilize the new Audit Template and schedule.

**The Auditors conduct the 30/60/90% audits and the recordkeepers will take care of the discrepancies?**

The District Auditor provides the audit report to the AO to resolve the issues related to project compliance.

**Will the Audit Template be the only document required to complete an audit?**

Yes, and this will be noted in the CCAM. Like with any audit, there may be additional documents or reports that may be added to support the audit.

**Is it required for auditors to use the Tableau dashboard for item audits, and should we print this and add to the audit records?**

Tableau dashboard is utilized to determine a random sampling for the 10% item review for audit purposes. It may be included in the project audit records for additional supporting documents but not currently considered a requirement.

**The 30/60/90% project started before September 2024. However, it will continue for the next three years. Should we use the original 30/60/90% review or the new audit template?**

For projects that were let prior to 1 September 2024 and will continue for a prolonged duration, please refer to your District and their policy or guidance.

**Will CST also be using the Audit Template to audit Districts?**

CST will conduct reviews on the use of the audit template and have visibility of conducted District Audits.

**Are the requirements for entering \$0 on 2nd Tier Subs into SiteManager that no dollar amount is recorded anywhere except in the remarks bubble?**

Correct. For SiteManager, this entry will be added to the remarks bubble in the Subcontracting area, indicating the tier level and including the identifying subs name.

**What if a project is less than 6 months, does the 6-month audit just integrate into the final? Or do we still perform an audit mid-way? For example, Signal Projects that are normally less than 6 months duration, should an audit be performed at the 50% mark?**

For projects that are 6 months or less to complete all tabs should be reviewed to ensure project records have been received. The final audit tab will be conducted and documented to complete the audit.

**When it comes to the Checklist of events, how would we put in multiple CUF Review dates?**

The DCO can create multiple entries to record each CUF entry as needed in SiteManager. In some instances, the AOs have the capability to do this at their level. Please contact your District if you need to enter multiple CUF inspection dates and do not have that ability in SiteManager.

**Will the recordings of these sessions be available?**

The Annual RK meeting slides and our Q&As are posted to the Record Keeper Development Program webpage on Crossroads; no recorded session is currently available.

Questions were collected during Annual Meeting sessions, and answers were provided by the Construction Division's Training and Development and Construction Section personnel, the Environmental Division Resource Manager, and the Materials and Testing Division, PSTR Section.